

PUBLIC HEALTH DEPARTMENT[641]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 691.6(6), the Iowa Department of Public Health hereby gives Notice of Intended Action to amend Chapter 90, “Iowa Child Death Review Team,” Iowa Administrative Code.

These amendments propose changes to the rules governing the purpose and function of the Iowa child death review team in identifying preventable deaths of children under 18 years of age and methods for prevention of such deaths.

Any interested persons may make written comments or suggestions on the proposed amendments on or before August 17, 2010. Such written comments should be directed to Jonathan Thompson, M.D., Office of the State Medical Examiner, 2250 S. Ankeny Blvd., Ankeny, Iowa 50023. E-mail may be sent to jthomps@idph.state.ia.us.

These amendments are intended to implement 2009 Iowa Code Supplement section 135.43.

The following amendments are proposed.

ITEM 1. Amend rule 641—90.1(135) as follows:

641—90.1(135) Purpose. The purpose of the Iowa child death review team is to aid in the reduction of ~~the incidence of serious injury and death to children by accurately identifying the cause and manner of child death for children under age 18~~ preventable deaths of children under the age of 18 years through the identification of unsafe consumer products; identification of unsafe environments; identification of factors that play a role in accidents, homicides and suicides which may be eliminated or counteracted; and promotion of communication, discussion, cooperation, and exchange of ideas and information among agencies investigating child deaths.

ITEM 2. Amend rule 641—90.3(135) as follows:

641—90.3(135) Agency. The Iowa child death review team is established as ~~an independent agency of state government part of the office of the state medical examiner.~~ The Iowa department of public health office of the state medical examiner shall provide staffing and administrative support to the team as needed to collect data, organize meetings, and issue an annual report.

ITEM 3. Amend rule 641—90.4(135) as follows:

641—90.4(135) Membership. The membership of the review team is subject to the provisions of Iowa Code sections 69.16 and 69.16A, relating to political affiliation and gender balance. Review team members who are not designated by another appointing authority shall be appointed by the ~~director of public health in consultation with the director of human services~~ state medical examiner. Membership terms shall be for three years. Members may not serve more than two consecutive terms.

90.4(1) The review team shall include the following:

- a. ~~The state medical examiner or the state medical examiner’s designee.~~
- b. to n. No change.

The state medical examiner’s office may temporarily appoint other members to serve as experts, as needed, on a case-by-case basis.

90.4(2) No change.

90.4(3) Three consecutive unexcused absences shall be grounds for the ~~director~~ state medical examiner to consider dismissal of the team member and to appoint another. The chairperson of the team is charged with providing notification of absences.

ITEM 4. Amend rule 641—90.5(135) as follows:

641—90.5(135) Officers. ~~Officers of the team shall be a chairperson and a vice chairperson and shall be elected at the first meeting of each fiscal year unless designated at the time of appointment. The review team shall elect a chairperson, a vice chairperson, and other officers as deemed necessary by the review team. Officers shall be elected at the first meeting of each fiscal year. Vacancy in the office of the chairperson shall be filled by elevation of the vice chairperson. Vacancy in the office of the vice chairperson shall be filled by election at the next meeting after the vacancy occurs. The chairperson shall preside at all meetings of the team, appoint such subcommittees as deemed necessary, and designate the chairperson of each subcommittee. If the chairperson is absent or unable to act, the vice chairperson shall perform the duties of the chairperson. When so acting, the vice chairperson shall have all the powers of and be subject to all restrictions upon the chairperson. The vice chairperson shall also perform such other duties as may be assigned by the chairperson.~~

ITEM 5. Amend rule 641—90.6(135) as follows:

641—90.6(135) Meetings. ~~The team shall meet upon the call of the chairperson, upon the request of a state agency, or as determined by the team as determined by the state medical examiner. Robert's Rules of Order shall govern all meetings.~~

ITEM 6. Amend rule 641—90.7(135) as follows:

641—90.7(135) Expenses of team members. ~~The members of the team are eligible for reimbursement of actual and necessary expenses incurred in the performance of their official duties. The state medical examiner's office shall reimburse members of the team for travel expenses according to state guidelines.~~

ITEM 7. Amend rule 641—90.8(135) as follows:

641—90.8(135) Team responsibilities. The state medical examiner's office will be responsible for the collection of data for sudden unexpected or nonnatural deaths for all children under the age of 18 years that occur in the state of Iowa. For each meeting, cases will be selected by the state medical examiner's office for review by the child death review team. The state medical examiner's office will be responsible for data entry. The team shall perform the following responsibilities:

~~1. **90.8(1)** Collect, review, and analyze child death certificates and child death data, including patient records or, other pertinent confidential information, and other information the review team deems appropriate concerning deaths of children aged six or younger, under 18 years of age, which have been selected by the state medical examiner's office and other information as the review team deems appropriate for use in preparing an annual report to the governor and the general assembly concerning the causes and manner of child deaths. An annual report will be prepared for the governor and the general assembly concerning the cause and manner of child deaths. The report shall include analysis of factual information obtained through review and recommendations regarding prevention of child deaths.~~

~~2. **90.8(2)** Recommend to the governor and the general assembly interventions to prevent deaths of children based on an analysis of the cause and manner of such deaths.~~

~~3. **90.8(3)** Recommend to the agencies represented on the review team and to other agencies changes which may prevent child deaths.~~

~~4. **90.8(4)** Maintain the confidentiality of any patient records or other confidential information reviewed.~~

~~5. **90.8(5)** Develop protocols for and establish a committee to review child abuse investigations which involve the death of a child. If deemed appropriate by the team at any point in the review, the team may recommend to the department of human services, appropriate law enforcement agencies, and~~

any person involved with child protection interventions that may prevent harm to a child who is related to or is living in the same home as a child whose case is reviewed by the team.

90.8(6) Develop protocols for a child fatality review committee (see 641—Chapter 92) to be appointed by the state medical examiner on an ad hoc basis, to immediately review the child abuse assessments which involve the fatality of a child under the age of 18 years. The state medical examiner shall appoint a medical examiner, a pediatrician, and a person involved with law enforcement to the committee.

~~6.~~ 90.8(7) The team may establish subcommittees to which the team may delegate some or all of the team's responsibilities set out in this rule.

ITEM 8. Amend rule 641—90.9(135) as follows:

641—90.9(135) Liaisons.

90.9(1) The following individuals shall each designate a liaison to assist the team in fulfilling its responsibilities.

- ~~1.~~ a. Director of public health.
- ~~2.~~ b. Director of human services.
- ~~3.~~ c. Commissioner of public safety.
- ~~4.~~ d. Administrator of the bureau of vital records of the Iowa department of public health.
- ~~5.~~ e. Attorney general.
- ~~6.~~ f. Director of transportation.
- ~~7.~~ g. Director of the department of education.

90.9(2) The chairperson shall designate a liaison from the public at large.

90.9(3) The membership terms of the liaisons shall be for three years. The liaisons may not serve more than two consecutive terms.